

Applicant or Patentee: Earl McCune and Wendell Sander

Application or Patent No.: 09/247,097

Filed or Issued: February 9, 1999

For: HIGH-EFFICIENCY AMPLIFIER OUTPUT LEVEL AND BURST CONTROL



**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 C.F.R. §§ 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
- ☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN TROPIAN, INC.

ADDRESS OF CONCERN 20813 Stevens Creek Blvd., Suite 150, Cupertino, California 95014

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. § 121.12, and reproduced in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees under Sections 41(a) and 41(b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average, over the previous fiscal year of the concern, of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled HIGH-EFFICIENCY AMPLIFIER OUTPUT LEVEL AND BURST CONTROL by inventor(s) Earl McCune and Wendell Sander described in

- ☐ the specification filed herewith
- ☒ Application No. 09/247,097, filed February 9, 1999
- ☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern, or organization having rights to the invention is listed below,\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c), or by any concern that would not qualify as either a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities.  
(37 C.F.R. § 1.27.)

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ individual      ☐ small business concern      ☐ nonprofit organization

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ individual      ☐ small business concern      ☐ nonprofit organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earlier of the issue fee and any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b).)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code; and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Michael J. Elliott

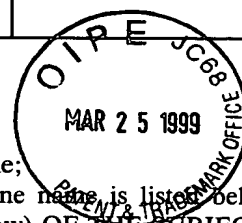
TITLE OF PERSON OTHER THAN OWNER Chairman and CEO

ADDRESS OF PERSON SIGNING 20813 Stevens Creek Blvd., Suite 150, Cupertino, California  
95014

SIGNATURE  DATE 3/9/99

**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR UTILITY PATENT APPLICATION**

Attorney's Docket No.  
032219-007



As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I BELIEVE I AM THE ORIGINAL, FIRST AND SOLE INVENTOR (if only one name is listed below) OR AN ORIGINAL, FIRST AND JOINT INVENTOR (if more than one name is listed below) OF THE SUBJECT MATTER WHICH IS CLAIMED AND FOR WHICH A PATENT IS SOUGHT ON THE INVENTION ENTITLED:

HIGH-EFFICIENCY AMPLIFIER OUTPUT LEVEL AND BURST CONTROL

the specification of which

(check one)

☐

is attached hereto;

☒

was filed on February 9, 1999 as

Application No. 09/247,097

and was amended on \_\_\_\_\_;  
(if applicable)

I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE;

I ACKNOWLEDGE THE DUTY TO DISCLOSE TO THE OFFICE ALL INFORMATION KNOWN TO ME TO BE MATERIAL TO PATENTABILITY AS DEFINED IN TITLE 37, CODE OF FEDERAL REGULATIONS, Sec. 1.56 (as amended effective March 16, 1992);

I do not know and do not believe the said invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to said application; that said invention was not in public use or on sale in the United States of America more than one year prior to said application; that said invention has not been patented or made the subject of an inventor's certificate issued before the date of said application in any country foreign to the United States of America on any application filed by me or my legal representatives or assigns more than twelve months prior to said application;

I hereby claim foreign priority benefits under Title 35, United States Code Sec. 119 and/or Sec. 365 of any foreign application(s) for patent or inventor's certificate as indicated below and have also identified below any foreign application for patent or inventor's certificate on this invention having a filing date before that of the application(s) on which priority is claimed:

COMBINED DECLARATION AND POWER OF ATTORNEY			Attorney's Docket No. 032219-007																																																																														
COUNTRY/INTERNATIONAL	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED																																																																														
			YES_ NO_																																																																														
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<p>I hereby appoint the following attorneys and agent(s) to prosecute said application and to transact all business in the Patent and Trademark Office connected therewith and to file, prosecute and to transact all business in connection with international applications directed to said invention:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">William L. Mathis</td> <td style="width: 15%;">17,337</td> <td style="width: 33%;">George A. Hovanec, Jr.</td> <td style="width: 15%;">28,223</td> <td style="width: 33%;">Peter K. Skiff</td> <td style="width: 15%;">31,917</td> </tr> <tr> <td>Peter H. Smolka</td> <td>15,913</td> <td>James A. LaBarre</td> <td>28,632</td> <td>Richard J. McGrath</td> <td>29,195</td> </tr> <tr> <td>Robert S. Swecker</td> <td>19,885</td> <td>E. Joseph Gess</td> <td>28,510</td> <td>Matthew L. Schneider</td> <td>32,814</td> </tr> <tr> <td>Platon N. Mandros</td> <td>22,124</td> <td>R. Danny Huntington</td> <td>27,903</td> <td>Michael G. Savage</td> <td>32,596</td> </tr> <tr> <td>Benton S. Duffett, Jr.</td> <td>22,030</td> <td>Eric H. Weisblatt</td> <td>30,505</td> <td>Gerald F. Swiss</td> <td>30,113</td> </tr> <tr> <td>Norman H. Stepno</td> <td>22,716</td> <td>James W. Peterson</td> <td>26,057</td> <td>Michael J. Ure</td> <td>33,089</td> </tr> <tr> <td>Ronald L. Grudziecki</td> <td>24,970</td> <td>Teresa Stanek Rea</td> <td>30,427</td> <td>Charles F. Wieland III</td> <td>33,096</td> </tr> <tr> <td>Frederick G. Michaud, Jr.</td> <td>26,003</td> <td>Robert E. Krebs</td> <td>25,885</td> <td>Bruce T. Wieder</td> <td>33,815</td> </tr> <tr> <td>Alan E. Kopecki</td> <td>25,813</td> <td>William C. Rowland</td> <td>30,888</td> <td>Todd R. Walters</td> <td>34,040</td> </tr> <tr> <td>Regis E. Slutter</td> <td>26,999</td> <td>T. Gene Dillahunt</td> <td>25,423</td> <td>Ronni S. Jillions</td> <td>31,979</td> </tr> <tr> <td>Samuel C. Miller, III</td> <td>27,360</td> <td>Patrick C. Keane</td> <td>32,858</td> <td>Harold R. Brown III</td> <td>36,341</td> </tr> <tr> <td>Ralph L. Freeland, Jr.</td> <td>16,110</td> <td>Bruce J. Boggs, Jr.</td> <td>32,344</td> <td>Allen R. Baum</td> <td>36,086</td> </tr> <tr> <td>Robert G. Mukai</td> <td>28,531</td> <td>William H. Benz</td> <td>25,952</td> <td>Steven M. du Bois</td> <td>35,023</td> </tr> </table>				William L. Mathis	17,337	George A. Hovanec, Jr.	28,223	Peter K. Skiff	31,917	Peter H. Smolka	15,913	James A. LaBarre	28,632	Richard J. McGrath	29,195	Robert S. Swecker	19,885	E. Joseph Gess	28,510	Matthew L. Schneider	32,814	Platon N. Mandros	22,124	R. Danny Huntington	27,903	Michael G. Savage	32,596	Benton S. Duffett, Jr.	22,030	Eric H. Weisblatt	30,505	Gerald F. Swiss	30,113	Norman H. Stepno	22,716	James W. Peterson	26,057	Michael J. Ure	33,089	Ronald L. Grudziecki	24,970	Teresa Stanek Rea	30,427	Charles F. Wieland III	33,096	Frederick G. Michaud, Jr.	26,003	Robert E. Krebs	25,885	Bruce T. Wieder	33,815	Alan E. Kopecki	25,813	William C. Rowland	30,888	Todd R. Walters	34,040	Regis E. Slutter	26,999	T. Gene Dillahunt	25,423	Ronni S. Jillions	31,979	Samuel C. Miller, III	27,360	Patrick C. Keane	32,858	Harold R. Brown III	36,341	Ralph L. Freeland, Jr.	16,110	Bruce J. Boggs, Jr.	32,344	Allen R. Baum	36,086	Robert G. Mukai	28,531	William H. Benz	25,952	Steven M. du Bois	35,023
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<p>and: _____</p> <p>Address all correspondence to: <span style="float: right;">Michael J. Ure BURNS, DOANE, SWECKER &amp; MATHIS, L.L.P. P.O. Box 1404 Alexandria, Virginia 22313-1404</span></p> <p>Address all telephone calls to: <u>Michael J. Ure</u> at (650) 854-7400.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p>																																																																																	
FULL NAME OF SOLE OR FIRST INVENTOR		SIGNATURE	DATE																																																																														
Earl McCune		<i>Earl McCune</i>	9 March, 1999																																																																														
RESIDENCE		CITIZENSHIP																																																																															
2252 Sutter Avenue, Santa Clara, California 95050		United States																																																																															
POST OFFICE ADDRESS																																																																																	
Same as above																																																																																	
FULL NAME OF SECOND JOINT INVENTOR, IF ANY		SIGNATURE	DATE																																																																														
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